

**REMARKS**

Reconsideration is requested.

Claim 16 has been canceled above, without prejudice. Claims 17-19 have been added and find support, for example, on page 15, lines 10-20 of the specification. No new matter has been added.

Claims 1-15 and 17-19 are pending.

The present application has become unintentionally abandoned for failure to file the present response and attached RCE by the October 7, 2004 due date.

A Petition to revive the application pursuant to 37 CFR § 10137(b) is attached along with the requisite petition fee is attached.

The entire delay in filing the required reply to the Office Action of April 7, 2004, from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR § 1.137 (b) was unintentional.

Grant of the attached Petition, entry of the present Amendment and attached RCE and return of an initialed copy of the attached PTO 1449 Form, pursuant to MPEP § 609, are requested.

The Examiner's indication that a certified copy of the priority document has not been received by the Patent Office is noted. While the applicants believe it is the responsibility of the Patent Office to obtain a certified copy of the priority document from the International Bureau, pursuant to PCT Rule 17.2, a further certified copy of the priority document is attached hereto. The Examiner is requested to acknowledge receipt of same in the Examiner's next Communication.

Claim 16 has been canceled above, making moot the Rule 75 objection of same.

Claim 1 has been amended to obviate the Section 112, first paragraph, rejection of claim 1. Reconsideration and withdrawal of the Section 112, first paragraph, rejection of claim 1 are requested.

The above amendments are submitted to obviate the Section 112, second paragraph, rejection of claims 1-12 and withdrawal of the Section 112, second paragraph, rejection is requested.

The Section 102 rejection of Claims 1, 6 and 12 over Soares (U.S. Patent No. 5,612,044), is obviated by the above amendments. The claims are submitted to be patentable over the cited patent. The applicants submit that the Examiner's interpretation of "as a function of the characteristics of the localized area" is in contradiction with the definition provided in the specification at, for example, page 3, lines 2-10. Clarification of the Examiner's position is requested in the event the rejection is maintained. Withdrawal of the Section 102 rejection of claims 1, 6 and 12 over Soares is requested.


The Section 102 rejection of claims 1, 2, 5 and 7-16 and Section 103 rejection of claims 3, 4 and 6 over Weber (U.S. Patent No. 6,341,831), are obviated by the above amendments. The applicants believe that the cited art does not teach or suggest, for example, the selection of a coloration or makeup design image taking into account the characteristics of the part to be treated, as presently claimed. Withdrawal of the Section 102 and Section 103 rejections of the noted claims over Weber is requested.

PRUCHE, F. et al. '  
Appl. No. 10/069,460  
October 18, 2004

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
B.J. Sadoff  
Reg. No. 36,663

BJS:  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100